

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW MUELLER and MARY
MUELLER as Co-Next Friends for
E.M., a minor,

Plaintiff,

v

OXFORD COMMUNITY SCHOOLS,
SHAWN HOPKINS, NICHOLAS EJAK,
TIMOTHY THRONE, STEVEN WOLF,
KENNETH WEAVER and ACME
SHOOTING GOODS, LLC.,

Defendants.

Hon. Mark Goldsmith
No. 22-11448

ANSWER TO
COMPLAINT BY
DEFENDANTS, OXFORD
COMMUNITY SCHOOLS,
SHAWN HOPKINS,
NICHOLAS EJAK,
TIMOTHY THRONE,
STEVEN WOLF AND
KENNETH WEAVER

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ANSWER TO COMPLAINT BY DEFENDANTS, OXFORD COMMUNITY SCHOOLS, SHAWN HOPKINS, NICHOLAS EJAK, TIMOTHY THRONE, STEVEN WOLF AND KENNETH WEAVER

Defendants, OXFORD COMMUNITY SCHOOLS, SHAWN HOPKINS, NICHOLAS EJAK, TIMOTHY THRONE, STEVEN WOLF and KENNETH WEAVER, by and through their attorneys, GIARMARCO, MULLINS & HORTON, P.C., state their answer to Plaintiffs' Complaint as follows:

INTRODUCTION

Defendants deny the narrative statement contained in the "Introduction" to Plaintiffs' Complaint for the reason that the allegations contained therein are untrue and/or constitute erroneous and inaccurate conclusions of law, rather than allegations of fact. Furthermore, the narrative form of the statement is contrary to the form required by the rules of pleadings. Defendants move that the contents of the Introduction should be stricken and Plaintiffs should be left to their proofs thereon.

JURISDICTION & VENUE

1. In answer to paragraph 1, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

2. In answer to paragraph 2, Defendants neither admit nor deny the

allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

3. In answer to paragraph 3, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

4. In answer to paragraph 4, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

THE PARTIES

5. In answer to paragraph 5, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

6. In answer to paragraph 6, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

7. In answer to paragraph 7, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs. Defendants affirmatively aver that Oxford Community Schools is a Michigan Public School District performing a governmental function in Oakland County, Michigan, to wit, providing a public education to students within the district and, as such, the School is a governmental agency and is immune from suit herein.

8. In answer to paragraph 8, Defendants deny the allegations contained therein for the reason that they are untrue.

9. In answer to paragraph 9, Defendants admit that Shawn Hopkins was employed by Oxford Community Schools. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

10. In answer to paragraph 10 Defendants admit that Nicholas Ejak was employed by Oxford Community Schools. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.,

11. In answer to paragraph 11, Defendants admit that Timothy Throne was employed by Oxford Community Schools. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

12. In answer to paragraph 12, Defendants admit that Steven Wolf was

employed by Oxford Community Schools. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

13. In answer to paragraph 13, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

14. In answer to paragraph 14, Defendants admit that Ken Weaver was employed by Oxford Community Schools. Defendants neither admit nor deny the remaining allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

15. In answer to paragraph 15, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

STATEMENT OF FACTS

A. Unfortunately, for many years now in the United States, school shootings have been a real and ongoing threat in our K-12 schools.

16. In answer to paragraph 16, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

17. In answer to paragraph 17, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

18. In answer to paragraph 18, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

19. In answer to paragraph 19, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

20. In answer to paragraph 20, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

21. In answer to paragraph 21, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

22. In answer to paragraph 22, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

23. In answer to paragraph 23, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon

with a final determination to be made by the Court.

24. In answer to paragraph 24, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

25. In answer to paragraph 25, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

B. In the days and weeks leading up to the November 30, 2021, mass shooting at Oxford High School, there were warning signs of impending violence that were ignored and/or minimized by school officials.

26. In answer to paragraph 26, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

27. In answer to paragraph 27, Defendants deny the allegations contained therein for the reason that they are untrue.

28. In answer to paragraph 28, Defendants deny the allegations contained therein for the reason that they are untrue.

29. In answer to paragraph 29, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

30. In answer to paragraph 30, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

31. In answer to paragraph 31, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

32. In answer to paragraph 32, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

33. In answer to paragraph 33, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

34. In answer to paragraph 34, Defendants admit the allegations contained therein.

35. In answer to paragraph 35, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

36. In answer to paragraph 36, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

37. In answer to paragraph 37, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

38. In answer to paragraph 38, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

39. In answer to paragraph 39, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

40. In answer to paragraph 40, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

41. In answer to paragraph 41, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

42. In answer to paragraph 42, Defendants deny the allegations contained therein for the reason that they are untrue.

43. In answer to paragraph 43, Defendants deny the allegations contained therein for the reason that they are untrue.

44. In answer to paragraph 44, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

45. In answer to paragraph 45, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

46. In answer to paragraph 46, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

47. In answer to paragraph 47, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

48. In answer to paragraph 48, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

49. In answer to paragraph 49, Defendants deny the allegations contained therein for the reason that they are untrue.

50. In answer to paragraph 50, Defendants deny the allegations contained therein for the reason that they are untrue.

51. In answer to paragraph 51, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

52. In answer to paragraph 52, Defendants deny the allegations contained therein for the reason that they are untrue.

53. In answer to paragraph 53, Defendants deny the allegations contained therein for the reason that they are untrue.

54. In answer to paragraph 54, Defendants deny the allegations contained therein for the reason that they are untrue.

55. In answer to paragraph 55, Defendants deny the allegations contained therein for the reason that they are untrue.

56. In answer to paragraph 56, Defendants deny the allegations contained therein for the reason that they are untrue.

57. In answer to paragraph 57, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

58. In answer to paragraph 58, Defendants deny the allegations contained therein for the reason that they are untrue.

C. Upon Information and Belief on November 26, 2021, several days before the mass shooting, Acme Unlawfully and Negligently Sold the Gun Used in the Shooting via a Straw Sale

59. In answer to paragraph 59, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

60. In answer to paragraph 60, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

61. In answer to paragraph 61, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

62. In answer to paragraph 62, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

63. In answer to paragraph 63, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

64. In answer to paragraph 64, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

65. In answer to paragraph 65, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

66. In answer to paragraph 66, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

67. In answer to paragraph 67, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

68. In answer to paragraph 68, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

69. In answer to paragraph 69, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

70. In answer to paragraph 70, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

71. In answer to paragraph 71, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

72. In answer to paragraph 72(a) – (e), Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief

and, therefore, leave Plaintiffs to their proofs.

73. In answer to paragraph 73, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

74. In answer to paragraph 74, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

75. In answer to paragraph 75, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

76. In answer to paragraph 76, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

77. In answer to paragraph 77, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

78. In answer to paragraph 78, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

79. In answer to paragraph 79, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

80. In answer to paragraph 80, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

81. In answer to paragraph 81, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

82. In answer to paragraph 82, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

83. In answer to paragraph 83, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

84. In answer to paragraph 84, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

85. In answer to paragraph 85, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

86. In answer to paragraph 86, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

87. In answer to paragraph 87, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

88. In answer to paragraph 88, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

89. In answer to paragraph 89, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

90. In answer to paragraph 90, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

91. In answer to paragraph 91, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

92. In answer to paragraph 92, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

93. In answer to paragraph 93, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

94. In answer to paragraph 94, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

95. In answer to paragraph 95, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

96. In answer to paragraph 96, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

97. In answer to paragraph 97, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

98. In answer to paragraph 98, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

D. November 29, 2021 – E.C. continues to exhibit warning signs of his impending violence.

99. In answer to paragraph 99, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

100. In answer to paragraph 100, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

101. In answer to paragraph 101, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

102. In answer to paragraph 102, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

103. In answer to paragraph 103, Defendants deny the allegations contained therein for the reason that they are untrue.

104. In answer to paragraph 104, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

105. In answer to paragraph 105, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

106. In answer to paragraph 106, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

107. In answer to paragraph 107, Defendants admit the allegations contained therein.

108. In answer to paragraph 108, Defendants deny the allegations contained therein for the reason that they are untrue.

109. In answer to paragraph 109, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

110. In answer to paragraph 110, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

E. November 30, 2021 – E.C. exhibits worsening suicidal and homicidal ideations. Defendants Ejak and Hopkins escalate the ideations and then deliberately choose to release E.C. back into the general school population.

111. In answer to paragraph 111, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

112. In answer to paragraph 112, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

113. In answer to paragraph 113, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

114. In answer to paragraph 114, Defendants deny the allegations contained therein for the reason that they are untrue.

115. In answer to paragraph 115, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

116. In answer to paragraph 116, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

117. In answer to paragraph 117, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

118. In answer to paragraph 118, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

119. In answer to paragraph 119, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

120. In answer to paragraph 120, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

121. In answer to paragraph 121, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

122. In answer to paragraph 122, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

123. In answer to paragraph 123, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

124. In answer to paragraph 124, Defendants deny the allegations contained therein for the reason that they are untrue.

125. In answer to paragraph 125, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

126. In answer to paragraph 126, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

127. In answer to paragraph 127, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

128. In answer to paragraph 128, Defendants deny the allegations contained therein for the reason that they are untrue.

129. In answer to paragraph 129, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

130. In answer to paragraph 130, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

131. In answer to paragraph 131, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

132. In answer to paragraph 132, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

133. In answer to paragraph 133, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

134. In answer to paragraph 134, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

135. In answer to paragraph 135, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

136. In answer to paragraph 136, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

137. In answer to paragraph 137, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

138. In answer to paragraph 138, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

139. In answer to paragraph 139, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

140. In answer to paragraph 140, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

141. In answer to paragraph 141, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

142. In answer to paragraph 142, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

143. In answer to paragraph 143, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

144. In answer to paragraph 144, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

145. In answer to paragraph 145, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

146. In answer to paragraph 146, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

147. In answer to paragraph 147, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

148. In answer to paragraph 148, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

149. In answer to paragraph 149, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

150. In answer to paragraph 150, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

151. In answer to paragraph 151, Defendants deny the allegations contained therein for the reason that they are untrue.

152. In answer to paragraph 152, Defendants deny the allegations contained therein for the reason that they are untrue.

153. In answer to paragraph 153, Defendants deny the allegations contained therein for the reason that they are untrue.

154. In answer to paragraph 154, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

155. In answer to paragraph 155, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

156. In answer to paragraph 156, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

157. In answer to paragraph 157, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

158. In answer to paragraph 158, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

159. In answer to paragraph 159, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

160. In answer to paragraph 160, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

161. In answer to paragraph 161, Defendants deny the allegations contained therein for the reason that they are untrue.

162. In answer to paragraph 162, Defendants deny the allegations contained therein for the reason that they are untrue.

163. In answer to paragraph 163, Defendants deny the allegations contained therein for the reason that they are untrue.

164. In answer to paragraph 164, Defendants deny the allegations contained therein for the reason that they are untrue.

165. In answer to paragraph 165, Defendants deny the allegations contained therein for the reason that they are untrue.

166. In answer to paragraph 166, Defendants deny the allegations contained therein for the reason that they are untrue.

167. In answer to paragraph 167, Defendants deny the allegations contained therein for the reason that they are untrue.

168. In answer to paragraph 168, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

169. In answer to paragraph 169, Defendants deny the allegations contained therein for the reason that they are untrue.

170. In answer to paragraph 170, Defendants deny the allegations contained

therein for the reason that they are untrue.

171. In answer to paragraph 171, Defendants deny the allegations contained therein for the reason that they are untrue.

172. In answer to paragraph 172, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

173. In answer to paragraph 173, Defendants deny the allegations contained therein for the reason that they are untrue.

F. Hours after being released back into the school from the safety of the counseling office by Hopkins and Ejak, E.C. goes on a shooting rampage, killing four students, and severely injuring seven others, including, E.M.

174. In answer to paragraph 174, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

175. In answer to paragraph 175, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

176. In answer to paragraph 176, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

177. In answer to paragraph 177, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

178. In answer to paragraph 178, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

179. In answer to paragraph 179, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

180. In answer to paragraph 180, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

181. In answer to paragraph 181, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

182. In answer to paragraph 182, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

183. In answer to paragraph 183, Defendants deny the allegations contained therein for the reason that they are untrue.

184. In answer to paragraph 184, Defendants deny the allegations contained

therein for the reason that they are untrue.

185. In answer to paragraph 185, Defendants deny the allegations contained therein for the reason that they are untrue.

186. In answer to paragraph 186, Defendants deny the allegations contained therein for the reason that they are untrue.

187. In answer to paragraph 187, Defendants deny the allegations contained therein for the reason that they are untrue.

188. In answer to paragraph 188, Defendants deny the allegations contained therein for the reason that they are untrue.

189. In answer to paragraph 189, Defendants deny the allegations contained therein for the reason that they are untrue.

190. In answer to paragraph 190, Defendants deny the allegations contained therein for the reason that they are untrue.

191. In answer to paragraph 191, Defendants deny the allegations contained therein for the reason that they are untrue.

192. In answer to paragraph 192, Defendants deny the allegations contained therein for the reason that they are untrue.

193. In answer to paragraph 193, Defendants deny the allegations contained therein for the reason that they are untrue.

194. In answer to paragraph 194, Defendants deny the allegations contained

therein for the reason that they are untrue.

195. In answer to paragraph 195, Defendants deny the allegations contained therein for the reason that they are untrue.

196. In answer to paragraph 196, Defendants deny the allegations contained therein for the reason that they are untrue.

197. In answer to paragraph 197, Defendants deny the allegations contained therein for the reason that they are untrue.

G. The OSCD and its Administrators have been engaged in a concerted effort to deflect their responsibility for the Oxford High School Shooting.

198. In answer to paragraph 198, Defendants deny the allegations contained therein for the reason that they are untrue.

199. In answer to paragraph 199, Defendants deny the allegations contained therein for the reason that they are untrue.

200. In answer to paragraph 200, Defendants deny the allegations contained therein for the reason that they are untrue.

201. In answer to paragraph 201, Defendants deny the allegations contained therein for the reason that they are untrue.

202. In answer to paragraph 202, Defendants deny the allegations contained therein for the reason that they are untrue.

203. In answer to paragraph 203, Defendants deny the allegations contained therein for the reason that they are untrue.

204. In answer to paragraph 204, Defendants deny the allegations contained therein for the reason that they are untrue.

205. In answer to paragraph 205, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

206. In answer to paragraph 206, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

207. In answer to paragraph 207, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

208. In answer to paragraph 208, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

209. In answer to paragraph 209, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

210. In answer to paragraph 210, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

211. In answer to paragraph 211, Defendants deny the allegations contained therein for the reason that they are untrue.

212. In answer to paragraph 212, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

213. In answer to paragraph 213, Defendants deny the allegations contained therein for the reason that they are untrue.

214. In answer to paragraph 214, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

215. In answer to paragraph 215, Defendants deny the allegations contained therein for the reason that they are untrue.

CAUSES OF ACTION AGAINST OXFORD DEFENDANTS

COUNT I

State-Created Danger – *Monell* Liability under 42 U.S.C. §1983 (Defendant Oxford Community School District)

216. Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 215 inclusive, as if fully set forth herein.

217. In answer to paragraph 217 (a) – (l), Defendants deny the allegations contained therein for the reason that they are untrue.

218. In answer to paragraph 218, Defendants deny the allegations contained

therein for the reason that they are untrue.

219. In answer to paragraph 219, Defendants deny the allegations contained therein for the reason that they are untrue.

COUNT II
State-Created Danger – Deliberate Indifference - 42 U.S.C. §1983
(Defendants Ejak and Hopkins)

220. Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 219 inclusive, as if fully set forth herein.

221. In answer to paragraph 221, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

222. In answer to paragraph 222, Defendants deny the allegations contained therein for the reason that they are untrue.

223. In answer to paragraph 223, Defendants deny the allegations contained therein for the reason that they are untrue.

224. In answer to paragraph 224, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

225. In answer to paragraph 225, Defendants deny the allegations contained therein for the reason that they are untrue.

226. In answer to paragraph 226, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

227. In answer to paragraph 227, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

228. In answer to paragraph 228, Defendants deny the allegations contained therein for the reason that they are untrue.

229. In answer to paragraph 229, Defendants deny the allegations contained therein for the reason that they are untrue.

230. In answer to paragraph 230 (a) – (e), Defendants deny the allegations contained therein for the reason that they are untrue.

231. In answer to paragraph 231, Defendants deny the allegations contained therein for the reason that they are untrue.

232. In answer to paragraph 232, Defendants deny the allegations contained therein for the reason that they are untrue.

233. In answer to paragraph 233, Defendants deny the allegations contained therein for the reason that they are untrue.

234. In answer to paragraph 234, Defendants deny the allegations contained therein for the reason that they are untrue.

235. In answer to paragraph 235, Defendants deny the allegations contained

therein for the reason that they are untrue.

236. In answer to paragraph 236, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

237. In answer to paragraph 237, Defendants deny the allegations contained therein for the reason that they are untrue.

238. In answer to paragraph 238, Defendants deny the allegations contained therein for the reason that they are untrue.

239. In answer to paragraph 239, Defendants deny the allegations contained therein for the reason that they are untrue.

240. In answer to paragraph 240, Defendants deny the allegations contained therein for the reason that they are untrue.

241. In answer to paragraph 241, Defendants deny the allegations contained therein for the reason that they are untrue.

242. In answer to paragraph 242, Defendants deny the allegations contained therein for the reason that they are untrue.

243. In answer to paragraph 243, Defendants deny the allegations contained therein for the reason that they are untrue.

COUNT III
State-Created Danger – Deliberate Indifference - 42 U.S.C. §1983
(Defendants Throne and Wolf)

244. Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 243 inclusive, as if fully set forth herein.

245. In answer to paragraph 245, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

246. In answer to paragraph 246, Defendants deny the allegations contained therein for the reason that they are untrue.

247. In answer to paragraph 247, Defendants deny the allegations contained therein for the reason that they are untrue.

248. In answer to paragraph 248, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

249. In answer to paragraph 249, Defendants deny the allegations contained therein for the reason that they are untrue.

250. In answer to paragraph 250, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

251. In answer to paragraph 251, Defendants deny the allegations contained

therein for the reason that they are untrue.

252. In answer to paragraph 252 (a) – (e), Defendants deny the allegations contained therein for the reason that they are untrue.

253. In answer to paragraph 253, Defendants deny the allegations contained therein for the reason that they are untrue.

254. In answer to paragraph 254, Defendants deny the allegations contained therein for the reason that they are untrue.

255. In answer to paragraph 255, Defendants deny the allegations contained therein for the reason that they are untrue.

256. In answer to paragraph 256, Defendants deny the allegations contained therein for the reason that they are untrue.

257. In answer to paragraph 257, Defendants deny the allegations contained therein for the reason that they are untrue.

258. In answer to paragraph 258, Defendants deny the allegations contained therein for the reason that they are untrue.

259. In answer to paragraph 259, Defendants deny the allegations contained therein for the reason that they are untrue.

260. In answer to paragraph 260, Defendants deny the allegations contained therein for the reason that they are untrue.

261. In answer to paragraph 261, Defendants deny the allegations contained

therein for the reason that they are untrue.

262. In answer to paragraph 262, Defendants deny the allegations contained therein for the reason that they are untrue.

263. In answer to paragraph 263, Defendants deny the allegations contained therein for the reason that they are untrue.

COUNT IV
Violence of Article 1, §17 of the Michigan Constitution-Substantive Due
Process – Bodily Integrity
(Ejak and Hopkins)

264. In answer to paragraph 264, Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 262 inclusive, as if fully set forth herein.

265. In answer to paragraph 265, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

266. In answer to paragraph 266, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

267. In answer to paragraph 267, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law,

rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

268. In answer to paragraph 268, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

269. In answer to paragraph 269, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

270. In answer to paragraph 270, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

271. In answer to paragraph 271, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

272. In answer to paragraph 272, Defendants deny the allegations contained therein for the reason that they are untrue.

273. In answer to paragraph 273, Defendants deny the allegations contained therein for the reason that they are untrue.

274. In answer to paragraph 274, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

275. In answer to paragraph 275, Defendants deny the allegations contained therein for the reason that they are untrue.

276. In answer to paragraph 276, Defendants deny the allegations contained therein for the reason that they are untrue.

277. In answer to paragraph 277, Defendants deny the allegations contained therein for the reason that they are untrue.

278. In answer to paragraph 278, Defendants deny the allegations contained therein for the reason that they are untrue.

279. In answer to paragraph 279, Defendants deny the allegations contained therein for the reason that they are untrue.

280. In answer to paragraph 280 (a) – (d), Defendants deny the allegations contained therein for the reason that they are untrue.

281. In answer to paragraph 281, Defendants deny the allegations contained therein for the reason that they are untrue.

282. In answer to paragraph 282, Defendants deny the allegations contained

therein for the reason that they are untrue.

283. In answer to paragraph 283, Defendants deny the allegations contained therein for the reason that they are untrue.

284. In answer to paragraph 284, Defendants deny the allegations contained therein for the reason that they are untrue.

285. In answer to paragraph 285, Defendants deny the allegations contained therein for the reason that they are untrue.

286. In answer to paragraph 286, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

287. In answer to paragraph 287, Defendants deny the allegations contained therein for the reason that they are untrue.

288. In answer to paragraph 288, Defendants deny the allegations contained therein for the reason that they are untrue.

289. In answer to paragraph 289, Defendants deny the allegations contained therein for the reason that they are untrue.

290. In answer to paragraph 290, Defendants deny the allegations contained therein for the reason that they are untrue.

291. In answer to paragraph 291, Defendants deny the allegations contained therein for the reason that they are untrue.

292. In answer to paragraph 292, Defendants deny the allegations contained therein for the reason that they are untrue.

293. In answer to paragraph 293, Defendants deny the allegations contained therein for the reason that they are untrue.

COUNT V
Gross Negligence
(Oxford Defendants)

294. Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 293 inclusive, as if fully set forth herein.

295. In answer to paragraph 295, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

296. In answer to paragraph 296, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

297. In answer to paragraph 297, Defendants deny the allegations contained therein for the reason that they are untrue.

298. In answer to paragraph 298, Defendants deny the allegations contained therein for the reason that they are untrue.

299. In answer to paragraph 299, Defendants deny the allegations contained therein for the reason that they are untrue.

300. In answer to paragraph 300, Defendants deny the allegations contained therein for the reason that they are untrue.

301. In answer to paragraph 301, Defendants deny the allegations contained therein for the reason that they are untrue.

302. In answer to paragraph 302, Defendants deny the allegations contained therein for the reason that they are untrue.

303. In answer to paragraph 303, Defendants deny the allegations contained therein for the reason that they are untrue.

304. In answer to paragraph 304, Defendants deny the allegations contained therein for the reason that they are untrue.

305. In answer to paragraph 305, Defendants deny the allegations contained therein for the reason that they are untrue.

306. In answer to paragraph 306, Defendants deny the allegations contained therein for the reason that they are untrue.

COUNT VI
Prospective Equitable and Injunctive Relief
14th Amendment Due Process and 42 U.S.C. §1983
(Defendant Weaver)

307. Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 306 inclusive, as if fully set forth herein.

308. In answer to paragraph 308, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

309. In answer to paragraph 309, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

310. In answer to paragraph 310, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

311. In answer to paragraph 311, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

312. In answer to paragraph 312, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

313. In answer to paragraph 313, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

314. In answer to paragraph 314, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

315. In answer to paragraph 315, Defendants deny the allegations contained therein for the reason that they are untrue.

316. In answer to paragraph 316, Defendants deny the allegations contained therein for the reason that they are untrue.

317. In answer to paragraph 317, Defendants deny the allegations contained therein for the reason that they are untrue.

318. In answer to paragraph 318, Defendants deny the allegations contained therein for the reason that they are untrue.

319. In answer to paragraph 319 (a) – (e), Defendants deny the allegations contained therein for the reason that they are untrue.

320. In answer to paragraph 320 (a) – (i), Defendants deny the requested relief for the reason that the allegations are untrue and that the District and its administrators and staff are providing a free and appropriate public education in accord with the applicable State and Federal statutory and constitutional provisions.

ACME CAUSES OF ACTION

COUNT I Negligence

321. Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 320 inclusive, as if fully set forth herein.

322. In answer to paragraph 322, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

323. In answer to paragraph 323, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

324. In answer to paragraph 324, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

325. In answer to paragraph 325, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

326. In answer to paragraph 326, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

327. In answer to paragraph 327, Defendants neither admit nor deny the

allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

328. In answer to paragraph 328, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

329. In answer to paragraph 329, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

330. In answer to paragraph 330, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

331. In answer to paragraph 331, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

COUNT II

Negligent Entrustment

332. Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 331 inclusive, as if fully set forth herein.

333. In answer to paragraph 333, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

334. In answer to paragraph 334, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

335. In answer to paragraph 335, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

336. In answer to paragraph 336, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

337. In answer to paragraph 337, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

COUNT III

Public Nuisance

338. Defendants hereby incorporate by reference their responses contained in paragraphs 1 through 337 inclusive, as if fully set forth herein.

339. In answer to paragraph 339, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

340. In answer to paragraph 340, Defendants neither admit nor deny the

allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

341. In answer to paragraph 341, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

342. In answer to paragraph 342, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

343. In answer to paragraph 343, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

344. In answer to paragraph 344, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

345. In answer to paragraph 345, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

346. In answer to paragraph 346, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and,

therefore, leave Plaintiffs to their proofs.

347. In answer to paragraph 347, Defendants neither admit nor deny the allegations contained therein for the reason that they constitute conclusions of law, rather than allegations of fact, and, therefore, leave Plaintiffs to their proofs thereon with a final determination to be made by the Court.

348. In answer to paragraph 348, Defendants neither admit nor deny the allegations contained therein for lack of knowledge upon which to form a belief and, therefore, leave Plaintiffs to their proofs.

DAMAGES

349. In answer to paragraph 349, Defendants deny the allegations contained therein for the reason that they are untrue.

350. In answer to paragraph 350, Defendants deny the allegations contained therein for the reason that they are untrue.

351. In answer to paragraph 351, Defendants deny the allegations contained therein for the reason that they are untrue.

WHEREFORE, Defendants, OXFORD COMMUNITY SCHOOLS, SHAWN HOPKINS, NICHOLAS EJAK, TIMOTHY THRONE, STEVEN WOLF and KENNETH WEAVER, respectfully request that this Honorable Court enter an order of no cause of action as to Defendants, together with costs and attorney fees so wrongfully sustained.

/s/TIMOTHY J. MULLINS

GIARMARCO, MULLINS & HORTON, PC

Attorney for Defendants Oxford, Hopkins, Ejak,
Throne, Wolf and Weaver

DATED: September 6, 2022

AFFIRMATIVE DEFENSES

Defendants, OXFORD COMMUNITY SCHOOLS, SHAWN HOPKINS, NICHOLAS EJAK, TIMOTHY THRONE, STEVEN WOLF and KENNETH WEAVER, by and through their attorneys, GIARMARCO, MULLINS & HORTON, P.C., state their Affirmative Defenses as follows:

1. Defendants deny that they breached any duties and, further, deny that they were negligent in any manner. Defendants affirmatively state that they were guided by and strictly observed all legal duties and obligations imposed by operation of law and otherwise. Further, all actions of their agents, servants and/or employees were careful, prudent, proper and lawful.

2. Plaintiffs have failed to state a claim or cause of action against these Defendants as to which relief can be granted as prayed.

3. Defendants will show and rely upon at the time of trial that any injury or damage complained of by Plaintiffs was proximately caused by third persons not under the control of these Defendants.

4. Defendants will show and rely upon at the time of trial that at all times pertinent hereto, Defendants were engaged in the performance of governmental

functions and, therefore, are statutorily immune from suit for civil damages for this claim pursuant to the principles of governmental immunity as set forth in case law and the statutes of this State, the Constitutions of the State and Federal Government and the statutes promulgated thereunder.

5. Plaintiffs' claims are barred by the doctrine of preemption.

6. Defendants will show at the time of trial that all actions or communications complained of in Plaintiffs' Complaint were absolutely or qualifiedly privileged pursuant to the Constitutions, statutes and common law of the State of Michigan and of the United States and, further, that Defendants are both statutorily immune and the claims as to the Defendants are also barred by qualified immunity.

7. Defendants are not liable to Plaintiffs for the criminal, assaultive acts of third parties.

8. This Court lacks jurisdiction over the subject matter of Plaintiffs' Complaint.

9. Plaintiffs' claims are barred and/or precluded by the doctrine of res judicata and/or collateral estoppel.

10. Plaintiffs' claims are barred by the Michigan Revised School Code.

11. Plaintiffs' Complaint is conclusory in nature and fails to state a claim and sufficient facts upon which relief can be granted.

12. Defendants will show that Plaintiffs have failed to prove any deprivation of a Federal right, nor have Plaintiffs alleged or proven an act of deprivation taken under color of law sufficient to maintain an action based upon the Fourteenth Amendment or 42 USC §1983, § 1988 or the U.S. or Michigan constitutions or statutes promulgated thereunder.

13. Plaintiffs have failed to mitigate their damages.

14. Plaintiffs' Complaint is barred by the provisions of the Eleventh Amendment.

15. Plaintiffs' claims are barred by claim and issue preclusion.

16. Plaintiffs' claims against Defendants fail because Plaintiffs cannot show that Defendants acted with deliberate indifference regarding Plaintiffs' allegations of injury.

17. Defendants have not violated any clearly established constitutional or statutory right.

18. As a matter of law, OXFORD COMMUNITY SCHOOLS cannot be held vicariously liable for its employees' actions.

19. Plaintiffs' claims fail as a matter of law and fact because Defendants were not required to protect Plaintiff Minor from the violence or other mishaps that are not directly attributable to the conduct of its employees.

20. Defendants will show and rely upon at the time of trial that Plaintiff Minor had a preexisting medical condition which is a contributing proximate cause of the injuries complained of.

21. Plaintiffs' claims are barred by qualified immunity.

22. Plaintiffs' claims are barred by statutory governmental immunity under the Governmental Tort Liability Act (GTLA).

23. Plaintiffs' claims are barred by immunity granted by state and federal statutes.

24. Plaintiffs' claims are barred by the doctrine of Legislative immunity.

25. Plaintiffs' claims against Defendants are barred by the Public Duty Doctrine.

26. Plaintiffs' claims are barred as a result of their failure to exhaust their administrative remedies as required by law.

27. Defendants reserve the right to amend their Answer, including additional affirmative defenses, upon completion.

/s/TIMOTHY J. MULLINS

GIARMARCO, MULLINS & HORTON, PC
Attorney for Defendants Oxford, Hopkins, Ejak,
Throne, Wolf and Weaver

DATED: September 6, 2022

RELIANCE UPON JURY DEMAND

Defendants, OXFORD COMMUNITY SCHOOLS, SHAWN HOPKINS, NICHOLAS EJAK, TIMOTHY THRONE, STEVEN WOLF and KENNETH WEAVER, by and through their attorneys, GIARMARCO, MULLINS & HORTON, P.C., hereby rely upon the jury demand previously filed by Plaintiffs as to all issues of trial.

/s/TIMOTHY J. MULLINS

GIARMARCO, MULLINS & HORTON, PC
Attorney for Defendants Oxford, Hopkins, Ejak,
Throne, Wolf and Weaver

DATED: September 6, 2022

CERTIFICATE OF ELECTRONIC SERVICE

TIMOTHY J. MULLINS states that on September 6, 2022, he did serve a copy of the **Answer, Affirmative Defenses and Reliance Upon Jury Demand** via the United States District Court electronic transmission.

/s/TIMOTHY J. MULLINS

GIARMARCO, MULLINS & HORTON, PC
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